

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORMAN GOTCHER, JR.,)	
)	
Plaintiff,)	Case No. 04-2417-TSZ-JPD
)	
v.)	
)	
KEN RAY, <i>et al.</i> ,)	ORDER
)	
Defendants.)	
_____)	

This matter comes before the Court upon plaintiff's motion to stay defendants' motion for summary judgment, Dkt. No. 106, and to clarify its order of August 19, 2005. Dkt. No. 107. Having carefully reviewed plaintiff's motion and the available record the Court ORDERS as follows:

A. The Court's August 19, 2005, Order

The Court's Order of August 19, 2005, Dkt. No. 107, is STRICKEN as it relates to the expansion of time.

B. Motion for Enlargement of Time

On August 15, 2005, plaintiff requested an extension of time to file his motion for summary judgment. Dkt. No. 104. Plaintiff argued that he needed more time to prepare his

01 motion for summary judgment because his access to the prison law library had been restricted
02 for eight days due to construction in the library.¹ Dkt. No. 104. The Court apprehended
03 plaintiff's motion as one that requested more time to respond to defendants' motion for
04 summary judgment and therefore re-noted defendants' motion for September 12, 2005. Dkt.
05 No. 107.

07 Plaintiff's motion for an extension of time to file his motion for summary judgment,
08 Dkt. No. 104, is GRANTED. Plaintiff's motion for summary judgment shall be due no later
09 than **September 15, 2005**. Both plaintiff's and defendants' motions for summary judgment
10 shall be noted for **Friday, October 7, 2005**. Any opposing motions shall be filed no later
11 than **Monday, October 3, 2005**. Replies shall be due no later than **Friday, October 7, 2005**.

13 C. Motion for a Continuance

14 On August 17, 2005, plaintiff moved the Court for a continuance. Dkt. No. 106. He
15 argues that he needs more time because defendants have not responded to all of his discovery
16 requests and because prison renovations continued for longer than he originally believed they
17 would. Dkt. No. 106.

18 Plaintiff's motion for a continuance, Dkt. No. 106, is DENIED. The deadline for
19 completing discovery in this case was July 22, 2005. Dkt. No. 69. That extended discovery
20 deadline passed almost a month ago and plaintiff only now argues that his discovery requests
21 have not been properly addressed. Plaintiff has not shown that excusable neglect justifies
22 granting his motion. Fed. R. Civ. P. 6(a). To the contrary, he offers no reasons why he did
23 not earlier indicate to the Court that his discovery requests had not been answered to his
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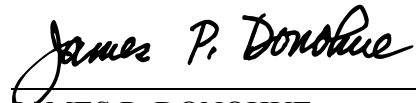
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26 ¹Plaintiff has subsequently indicated that he was in fact unable to access the law library for
fifteen days. Dkt. No. 106.

01 satisfaction. His motion is therefore denied.

02 The Court advises the parties that no further continuances will be granted.

03 The Clerk is directed to send a copy of this Order to plaintiff, counsel for the
04 defendants, and to the Honorable Thomas S. Zilly.
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06 DATED this 23d day of August, 2005.

07 
08 JAMES P. DONOHUE
09 United States Magistrate Judge
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